

**H.B. 843 Kentucky Commission on Services and Supports for Individuals  
With Mental Illness, Alcohol and Other Drug Abuse Disorders, and Dual Diagnosis  
May 6, 2002 Meeting Minutes  
Capital Annex, Room 149  
Frankfort, Kentucky**

**Commission Members Present:** Representative Mary Lou Marzian, Commissioner Margaret Pennington, Kim Allen, Robin Fowler, Tara Parker, Director Maureen Fitzgerald, William Heffron, Rick Purvis, Angela Wilkinson, Bob Damron, Commissioner Mike Robinson, Senator Charlie Borders, Karen Quinn, Director Jerry Whitney, Sandy Goodlett, Larry Carrico.

**WELCOME**

- Co-Chair Representative Mary Lou Marzian called the meeting to order and made brief introductory remarks.

**UPDATES**

**Executive Order & Nomination Process for Members Representing Consumers, Family Members and Regional Planning Councils**

Commissioner Pennington reported that she hopes the Executive Order will be signed today in order to officially add the new members. Once the order is signed, letters will be sent to consumer and family groups asking for nominations to be selected by Secretary Morgan. Secretary Morgan will be choosing one consumer member and an alternate, and one family member and an alternate. Letters will also be sent to the Kentucky Association of Regional Programs (KARP), who will be working with the Regional Planning Councils to identify a representative. She reported that hopefully, these members will be in place by the next meeting.

**Budget Roll-Out**

Bruce Scott reported on the Governor's proposed budget roll-out. He reported that staff had been working with the Association of Regional MHMR Programs to develop an approach. He reported on five areas:

- **Crisis Stabilization Units (CSUs):** The Governor's proposed budget includes \$2 million for FY03 and \$2 for FY04 to complete the CSU network in the regions. Regions who have no existing state funding for CSUs will be funded for either an adult or children's unit in FY03. Regions that have an existing program that is funded by other sources (i.e., block grant funds) would also be funded. In FY04, there will be less money available per unit, but there are some operating costs and startup costs that would be offset by other revenues, such as Medicaid or insurance. This will complete the network of CSUs in the state. Money will be allocated

pending the Governor's direction by a proposal process. Once appropriate proposals are submitted and accepted, the money would be released for spending.

- **Olmstead:** Known as the Olmstead Wraparound Initiative, this will include \$1.1 million in FY03 and \$0.8 million in FY04 for wraparound services for individuals currently in state hospitals, and subject to the Olmstead decision by the Supreme Court. This decision requires the state to take reasonable steps to move these individuals to a community setting of their choice, if the individual is appropriate for the community. Funds will also be available to make room in a specialized mental health personal care home if this were the destination of choice. Funding would be allocated to the CMHC in the region where the hospital is located. A committee would be convened at the hospital consisting of representatives from the regional CMHC, the hospital staff, and DMH to work towards a prioritized budget that is highly individualized to enable these individuals to begin moving toward the community setting. If the person is moving to another region, the fiscal agent (CMHC) would contract for services with another appropriate provider in the community of choice.
- **Jail Training and Consultation:** The proposed budget includes \$275,000 for FY03 and \$275,000 for FY04 to implement a training program related to mental health consultation and education to jailers and their staff. DMHMRS will develop a training curriculum and will work with the MHMR boards in the delivery of the training. The Criminal Justice/Behavioral Health Committee of the HB 843 Commission will make recommendations about a "train the trainers, and the ultimate delivery to the jails and their staff. Ten thousand dollars will be allocated for FY03 for the cost of the train the trainers delivery. The remainder of the money will be allocated according to the number of jail beds per region. The money will be allocated to the CMHCs as the fiscal agent.
- **Early Childhood Mental Health Services:** This is an initiative of the Department of Public Health, who has asked DMHMRS to implement it through the CMHCs. This program will allocate \$1 million each for FY03 and FY04. Approximately \$118,000 will be held at the state level to administer the program. This will include evaluation, a consultant, and training. The remainder will be distributed to the regions for an early childhood consultant to daycare centers, pediatricians, neo-natal clinics, or whomever has a need for expert consultation regarding a very young child with either an emotional disability or the high potential for one. The regions may realize revenues from other payees from this program. If so, it would allow them to expand the program if evaluation and outcomes data show that the program has been effective.

Representative Damron asked what would happen if the increased funding is not approved in the budget. Commissioner Pennington reported that the information she has received has instructed them to move forward, and that no "plan B" has been outlined.

- **Support of Regional Planning Councils:** The proposed budget includes a direction, but no additional funds for the continued work of the planning councils.

## **2002 GENERAL ASSEMBLY UPDATE**

### **ACTS relating to HB 843**

**HB 177:** Rep. Marzian reviewed the proposed amendments to HB 177. Those amendments include adding specified persons and specifying terms of membership. She added that this could be done right away by Executive Order. If the budget is passed, the Regional Planning Councils will receive a small amount of money to help with administrative costs.

**SB 39 and SB 2:** SB 2 and SB 39 did not pass. SB 39 was the same as HB 177. Rep. Marzian reported that, with the budget language, the commission can work around that.

**Licensed Professional Counselors – HB 57:** Dr. Sheila Schuster reported that this legislation would hopefully help the staffing situation across the state. Counselors that are already certified will become licensed. An amendment was added suggesting that counselors in training donate ten hours per semester addressing treatment for those in jail.

**QMHP's & Duty to Warn – SB 90:** This bill establishes the marriage and family therapists and professional counselors as a Qualified Mental Health Professional (QMHP) and can perform evaluations under KRS 202A and 202B. It also clarifies that the Duty to Warn extends to all credentialed mental health providers and anyone in a counselor role, including pastoral counselors. This bill was passed without any significant changes on either side.

**Supported Employment HB 27/FN:** Commissioner Serraglio reported that this is still “in limbo,” considering that the budget has not been passed. If passed, this would allocate \$200,000 per year for the next two years to the budget for supported employment. Commissioner Serraglio thanked the commission members for their work, and introduced his successor, Mr. Bruce Crumb.

### **COMMISSION WORK PLAN**

Secretary Morgan expressed that she has not experienced a Commission with as much credibility as this one, considering the short time that it has been in existence. She reported that the workgroups have been reactivated, and have drawn up charges for which they are responsible. A sheet was circulated in order for people to sign up for the various workgroups. Secretary Morgan summarized each workgroup and their responsibilities. There will be reports from the workgroups at each HB 843 Commission meeting. In the interim, she offered her support, as well as that of Rep. Marzian in the event that workgroup members need guidance.

## **WORK GROUP PRESENTATIONS**

### **Children**

A study of the IMPACT Plus Program was authorized by the Program Review and Investigations Committee in May of 2001. The completed study was accepted, and contained a specific recommendation concerning the role of the HB 843 Commission. The Children's Work Group was charged to reconvene and review this recommendation and prepare a proposal for the Commission. Christopher Cecil reported that the workgroup reconvened on May 8th to consider how to approach this charge. Within the recommendation, there were eleven subject areas, which were organized into three "tiers" that reflect the order in which the workgroup will consider them. He presented an outline of the subject areas and workgroup leaders for Tier 1, to be completed by August 30, 2002. The workgroups include:

- Continuum Work Group - Leaders: Emily Hutchinson and Sandy Renfro
- Access Work Group – Leader: Sheila Schuster
- Priority Needs Work Group – Leader: Glen Rowe
- Cost Effectiveness Work Group – Leader: Steve Shannon

The remaining tasks for Tier II and Tier III should begin August of 2002, and should be completed April of 2003. The document also included a work grid and action steps for each of those subject areas.

### **Criminal Justice Work Group**

Kim Allen gave a background of her work and expressed how excited she was to be a part of this work group. She gave an overview of the issues, and the charges to the work group. The four basic areas include: 1) Cross-system training, including immediate focus on mental health consultation and training for jails and long-term monitoring of law enforcement/behavioral health training initiatives; 2) a review of provisions of KRS 202A and KRS 504, delineating areas of problems to be addressed; 3) monitoring and implementation of 2001 Work Group recommendations, including pursuit of federal funding for a pilot mental health court initiative; and 4) a future study of mental health issues in the juvenile justice system. She reported that the Work Group would meet on May 22<sup>nd</sup> at the Capital Annex, Room 149.

### **Advanced Mental Health Directive Work Group**

Dr. Sheila Schuster gave a background of the work regarding advanced mental health directives. The goal of the work group is to study the implementation of an advance directive for mental health treatment and, with the input of all stakeholders, to present materials to the HB 843 Commission for its recommendations. These materials would be in the form of a draft legislation to be considered by Rep. Crimm as primary sponsor, for filing in the 2003 General Assembly. She outlined some broad issues that have emerged in previous discussions and meetings on the advance mental health directive. Sec. Morgan encouraged the involvement of interested persons in this work group.

### **Professional Staffing Work Group**

Michelle Blevins reported that there had been meetings and discussions around this issue, and that they were looking forward to getting the work group together to set some priorities. The work group will focus on the following items: 1) Compilation and analysis of the data regarding the current status of the behavioral health workforce in Kentucky; 2) development of immediate and long term strategies to address the shortages of qualified behavioral health professionals and paraprofessionals in Kentucky; 3) collaboration with the project manager of the Real Choices grant initiative on mutual objectives of the Workforce Development component of the “Real Choices” Project; 4) advancement of the Kentucky State Action Plan for the professional mental health staffing developed in November 2000 at a federally sponsored summit; and 5) determination of the appropriate membership of this work group given the proposed scope of work. She reported that the work group would look at the quality of the workforce, as well as the quantity. Commissioner Pennington reported that she and Rep. Marzian had met with the University Presidents, and Presidents of Academic Affairs to share information gathered from Community Mental Health Centers regarding vacancies in the field, as well as a salary study comparing positions within the system.

### **Older Adult Work Group**

Barbara Gordon reported that this work group first began working through the Kentucky Mental Health and Aging Coalition. Resources from that group, as well as other interested parties, have gathered to revive this initiative. She reported that the charge is to identify and understand the issues related to mental health, substance abuse, and physical health in older adults. The group will work with the Regional Planning Councils to identify specific barriers relating to mental health and substance abuse services to the elderly, and strategies to reduce those barriers. The group is charged with the following: 1) identify treatment needs and reduce the prevalence of mental health and substance abuse issues; 2) include consumers, caregivers, family members and providers in needs assessment and service planning; 3) initiate interface between the physical and behavioral health care system to continuous exchange of geriatric knowledge base of mental health and substance abuse issues; and 4) provide geriatric health knowledge to primary care physicians and all other professionals working with the elderly to assure the provision of quality services. The group will look at the different things currently going on in the state and bring that information together as a starting point.

### **Public Education Work Group**

Carol Carrithers of Seven Counties Services reported to the Commission regarding the membership and charges of the Public Education Work Group. Members from the private sector will be added, as well. The group plans to work to institute statewide public education initiatives on behavioral health issues with the goals of reducing stigma and misunderstanding attached to mental illness and substance abuse disorders and their treatment, and increasing knowledge of available resources. The group will encourage

collaboration, and will distribute a statewide inventory of current efforts and public education resources. This will promote the sharing of resources. Through a statewide survey, the group will assess the public's attitude toward mental health and substance abuse and identify misconceptions. Based on the survey, the work group will develop a single-theme, consistent message with accompanying collateral materials that would be made available statewide, but could be tailored to meet local/regional needs. They will identify sub-groups such as reporters, publishers, editorial boards, and pastors that are considered "natural helpers" in the communities. They are looking for additional funding from the public sector. The Division of Mental Health and the Division of Substance Abuse have already earmarked \$15,000 each from block grants. Based on the survey results, pilot markets will be identified to begin the campaign.

### **Quality Assurance-Consumer Satisfaction Work Group**

David Smith presented information regarding the QA (Quality Assurance)-CS (Customer Satisfaction) Work Group. The work group will reconvene in June or July of 2002 to address recommendations submitted to the HB 843 Commission in May of 2001. Specific problems were identified, and strategies were developed to address these problems. The problems include the following:

- There are no statewide standards for providers/organizations that are similar to the standards of a nationally recognized accreditation organizations,
- Providers/Organizations have different degrees of established QA programs,
- Very few providers/organizations have a nationally standardized consumer satisfaction process,
- There is little consumer participation in the development of the set of outcome measures and its components (including QA/monitoring system),
- Providers/Organizations vary in their degrees of establishing a process for the resolution of consumer concerns, complaints, and grievances,
- Many providers/organizations do not have standardized performance measurement systems (including outcome measures) that allow information to be shared, and
- Many providers/organizations do not use benchmarking.

This is a long process that could take a decade or longer. The next phase of improving quality assurance/quality improvement should be in the form of an implementation plan. This plan should include recommendations and the timeframe necessary for implementation.

Commissioner Pennington brought to the attention of the Commission that work groups had not been formed to address the issues of housing, employment, and access to medications. She asked the members for their opinion as to whether or not to form these work groups. Rep. Marzian expressed that she would like to convene these work groups soon. Dr. Schuster suggested reconvening the Adult Services Work Group, with sub-committees to address these issues, in addition to the issue of transportation. Commissioner Serraglio agreed to assign someone from his department to staff an employment sub-group. Bruce Scott and Lisa Rice offered to develop the charge and membership ideas for these groups. The work groups were encouraged to work closely

with the Regional Planning Councils in order to stay abreast of the issues on a local level. Regional Planning Councils will be asked to think about the issue of medication management in order to develop a work group to address these issues.

The Commission discussed the process for appointing the consumer family members and alternates to the Commission, as well as to Regional Planning Councils. The nominations will be submitted to Sec. Morgan from regional groups. Secretary Morgan will forward the nomination form to Dr. Schuster.

Sec. Morgan encouraged Commission members to look at workgroup charges, and to contact the Chairs with comments as soon as possible.

### **NEXT MEETING**

The next meeting will be held Monday, June 17<sup>th</sup>, 2002 with the location to be announced.

With no further business, the meeting was adjourned.

### **NEXT STEPS**

**Motion:** A motion was made and seconded to approve the minutes from the last meeting.

With no further business, the meeting was adjourned.